

MILITARY SCHOOLS.

In view of the war threatened with England the year following a military association was formed in Staunton, and a committee was appointed at a public meeting to deliberate and report on the best means to be adopted in order to secure the establishment of military schools in the counties of Augusta, Rockbridge and Rockingham for the instruction of officers and men. This committee, of which Mr. Peyton was a member, reported to a meeting of the association held in Staunton June 20th, 1812. It does not appear by whom the report was written, but it embodies his sentiments on the subject, and is therefore given as follows, namely:

"The committee to whom was referred a resolution of the Staunton Military Association, which has for its object the establishment of military schools, having had the subject under consideration beg leave to report.

The committee deem it unnecessary to refer to any other authority than the good sense and honest feelings of every man, to prove the great utility, at all times, but more especially at this, of military instruction to the people of this country. The subject, there at least, is a new and difficult one; and the committee are very sensible that any plea which they can suggest will have many palpable obstacles to encounter and may be exposed to various others, which they cannot foresee. They rely for every hope of success upon the acknowledged value of the object in view, upon the patriotism of the people, upon the order of the present times, and upon the success of the experiment, which this society has made.

A military school, in which could be taught the complete discipline of a finest, the different exercises of the rifle

corps, the artillery and the infantry, together with the cavalry exercises of the sword, though it could not promise to teach the whole principles of war as a science would certainly promise much that would be eminently useful to every soldier and officer in the institution. And your committee cannot refrain from suggesting that a school for these purposes, successfully conducted, might serve as an introduction to some more extensive and some more perfect system of military education.

To obtain a person capable of conducting such a school, would not always be easy; such a person is not very readily to be met with, and what is yet more difficult, funds to remunerate his services, are to be raised by voluntary contribution. But at present, judging from their own experience, in this society, your committee think that a person whose skill, information and zeal in military affairs, would enable him to conduct such a school, may be found in your commandant, and they hope that funds to compensate his services are within the reach of an active and spirited exertion. They hope that the neighboring counties of Rockbridge and Rockingham would consider the subject as worthy of their attention, and might be induced to unite with the people of Augusta in their endeavors to attain it. A sufficient number of subscribers in the county of Augusta alone would probably not be obtained, to induce any one properly qualified, to devote his time to this service. But by the union of Rockingham and Rockbridge this might be effected.

Your committee would therefore recommend to the society, the adoption of the following resolutions:

Resolved, that subscriptions be opened in the county of Augusta, under the immediate superintendance of a committee of seven persons, appointed by this society, for establish-

ing a military school in the town of Staunton to be denominated the Staunton Military School, to commence on the 15th day of July next, and continue for one year thereafter, and be under the directions of Capt. George Turner; the presnt commandant of this society—that the times of teaching and price to subscribers be regulated by said committee and the commandant in conjunction, so that the days of teaching be not less than one day in each fortnight, and the price to subscribers be not more than ten dollars per annum, payable quarterly in advance.

Resolved, that it be recommended to the commandant to endeavor to establish similar schools in the neighbouring counties of Rockingham and Rockbridge, and that the committee aforesaid be instructed to invite, respectfully, the co-operation of those counties."

THE WAR OF 1812.

The year following, President Madison sent a war message to congress and such was the popular excitement growing out of the British claim entitled the "Right of Search," and the collision between the United States frigate, *Chesapeake*, and the British frigate, *Leapold*, in 1807, which had never been allayed, that war was declared by the United States against Great Britain, on June 18th, 1812.

The nation was much divided on this policy. By the opposition party, the main strength of which was in the Northern and Eastern States, it was considered a mere administration measure, resistance to which argued no want of patriotism, but quite the contrary and so from the beginning to the

close of hostilities, the Federalists did all they could to stay the course on which they thought the Government was driving to destruction. The Hartford convention met, and some of the New England States went so far as to nullify an act of Congress regarding enlistment. During all this time, the country was in great want of resources, which nothing but unanimity could supply. The army was but a handful, and the Militia, instead of coming forward in large numbers, remained at home to attend party meetings and discuss the right of the Government to call them out; the supply of war material was very scanty, and the Treasury almost empty.

Such was the unpromising state of affairs, when John H. Peyton, who had voted for Mr. Madison and warmly supported the war policy, came forward and exerted every energy of mind and body to stir up popular enthusiasm in support of the war. He volunteered at once, to serve in the army, until peace was restored, and was immediately appointed Chief of Staff to Gen. Porterfield, an old Revolutionary officer, who, while serving as a Lieutenant in 1780, at the seige of Charleston, S. C., had killed by his side, Captain Valentine Peyton, a young and gallant cousin of J. H. Peyton. Forgetting everything but his duty to his country, which was with him, and every true patriot paramount. Mr. P. abandoned his lucrative practice, which more selfish men sought to appropriate, and his wife and family and joined the army on the James river in Eastern Virginia, with the active operation of which he was identified until the declaration of peace, February 17th, 1815.

The "Republican Farmer" went out of existence, no newspaper took its place for years and we have seen no account of the army services of Major Peyton beyond the statement that he was "one of the most enterprising and daring officers in the service," but more than thirty years after the

end of the war, and his death, his minor children received from the Government, a pension for his services.

ANECDOCE OF THE FIGHTING MAJOR.

The late Adam Bickle, of Staunton, father of R. G. Bickle and a member of the Augusta Force, use to enjoy telling an anecdote of Major Peyton. He said that repeated complaints were made by the soldiers as to the musty flour and inferior bacon furnished by the commissary, to the troops, while stationed at Camp Holly. On one occasion, Major Peyton remonstrated with the commissary, on the character of the stores, when that officer flew into a passion and grossly insulted the major, whom he alledged, was not the proper officer to take him to task. Without a moments thought Major Peyton knocked him down with the hilt of his sword, and gave him a thorough drubbing in presence of the men. This would appear very curious to persons accustomed to European discipline and standing armies, but with the raw levies, of eighty years ago, was much enjoyed and thought not to be greatly out of place. It had the effect of endearing the Major to the men who never in any kind of subsequent trouble, failed to appeal to him.

Many years after one of Major Peyton's young children hearing of this affair, enquired if the commissary had challenged him. The Major replied that he had not. But continued the child "suppose he had, what would you have done?" Why said the Major, "I would have answered him as humorously as did the gentleman spoken of by Dr. Franklin," "A gentleman in a coffee house," said the Major "desired another to sit further from him. Why so? Because you stink! That's

an insult, and you must fight me. I will fight you, if you insist upon it, but I do not see how that will mend the matter, for if you kill me, I shall stink too, and if I kill you, you will stink, if possible, more than you do at present."

A WESTERN TRIP IN 1815.

Shortly after the close of the war, Mr. Peyton made a visit to Kentucky on business, one object being to look after fifteen hundred acres of land belonging to his wife lying near Louisville, a property which has since become of immense value. He was accompanied by Ned Phipps or Fibs, his body servant during the war, a faithful negro, upon whose attachment he could rely. In his station few men behaved, as a rule, better than Ned, who had a certain amount of self respect, "nigger" as he was styled, and knew how to conduct himself, if he did not always do it. They made the entire journey from Staunton to Louisville, on horse-back, of course they were armed, as their route was through a wild and savage country, infested by Indians, many of them dissatisfied with the close and the result of the war; and a class of desperate whites, more dangerous than the red men, some of whom had served under Gen. Harrison in the North West, and were survivors of Fort Meigs, and the battle and massacre of the river Raisin. The Eastern part of Kentucky, known as the "Knobs," or the "Knobby country," is still a savage country in possession of a savage people, though traversed by the Chesapeake and Ohio Railroad which is supposed to have let in some of the light of civilization, and has gained an unenviable notoriety within the past ten years by reason of the bloody feuds between the Hatfields and McCoys. Through this wilderness

they travelled on miserable paths called roads, which connected the settlements, swimming rivers, and other water courses and resting of nights in log huts,alled country taverns promising accommodations for man and beast. And what is remarkable to relate completed their outward juorney and return to Virginia in safety.

When we consider what our ancestors endured, what hardships and privations they suffered, we are of the opinion that we enjoy to day, more physical, spiritual and intellectual benefits and blessings than have ever before fallen to the lot of man. Notwithstanding the rough experiences of this trip, Mr. Peyton found something bright in all he saw and heard, allowed nothing to depress his spirits, still less deepening sorrows, over the woeful complaints he listened to from back woodsmen of hard times and worse coming.

He was one of those men who make the best of every thing, there was nothing splenetic, melancholy, or timid in his nature, and he returned from his visit strengthened for his manly duties—his lawyer's life. Such was his devotion to the profession that he would allow nothing to permanently turn him from it, and he only served two years as Mayor of Staunton, to which position he was elected in 1817-18 because, the duties were so light that they did not interfere with his work, and his friends urged him to accept the place as, at that time, the currency was deranged, money scarce, and people depressed. From the fertility of his resources it was thought he would find a remedy for these evils. During his Mayoralty, the city made an issue of paper money and this circulating medium brought no small relief to the people. One of these "shin plasters," as they were termed in popular slang phraseology, was found a few years since, over eighty years from the time it was put forth; presumably in the stocking of some prov-

ident old woman, and was sealed up as a curiosity in the corner stone of the Confederate Monument in Thornrose Cemetery, at Staunton.

During the month he gave himself for relaxation and rest in Kentucky he enjoyed the society of such people as the Brown's, Green's Preston's Gov. Shelby, Col. R. M. Johnson, Natl. Hart, Robert Scott and other noted characters in that rich and lovely region. Some of these afterwards from time to time visited him, and greatly enjoyed the blandishments of Virginian society.

DECLINES AN APPOINTMENT.

On his return from his Western trip he was appointed deputy United States District Attorney for Western Virginia, and for a time discharged the duties of the office for his friend William Wirt. He had served in the Legislature in 1808-9, with Mr. Wirt and a strong mutual friendship was the result. On Mr. Wirt's resignation of the position and his removal to Baltimore, Mr. Peyton declined the office as conflicting with his other appointments, (which were more lucrative) and his extensive private practice.

We owe the following letters to the filial piety of Mr. Peyton's eldest daughter, Mrs. Susan M. Baldwin, widow of the late Col. J. B. Baldwin, who has preserved them since the Montgomery Hall family was broken up at Mrs. J. H. Peyton's death in 1850.

OLD FAMILY LETTERS.

Fawcett's Tavern, Green Valley, Bath Co., Va., June 1, 1822.

JOHN H. PEYTON TO MRS. PEYTON.

My Dear Ann:

I left home in such haste that I forgot to tell you to send

to Mr. Johnson's for a carboy of wine. Though you do not like it yourself, hospitality requires that you should always have it for those who do. Baldwin [Afterwards Judge Briscoe G. Baldwin, his life-long friend] and I were thoroughly drenched in the rain-storm on yesterday, but neither of us felt the slightest inconvenience from it this morning. No news, so far, from your mother or Mrs. Massie. Give my love to William [his only son by his first marriage, the late Col. William M. Peyton, of Roanoke] and be assured, my dear Ann, that you are, in your present delicate situation, the source of constant solicitude to me. Take care of yourself and go to no large parties. You will always have the company of Mrs. Johnson, Mrs. Donagho, Mrs. Baldwin, Miss Telfair, and you can not fail to enjoy such society. Write to me constantly.

With sincerest affection, though in great haste, your husband.

JOHN H. PFTYTON.

SAME TO SAME.

Lewisburg, Greenbrier Co., June 5th, 1822.

My Beloved Ann:

I received your affectionate letter of the 2nd of June this evening which gave me great pleasure. When separated from you, there is nothing that gives so much delight as to get one of your cheerful letters. I regret to learn that you have been indisposed, however slightly, since we parted. I feel confident, however, that with prudence and care you will suffer as little as anyone from disease. You have a thoroughly sound constitution. If you were a little older I would add, a well preserved one. If I were to tell you how many kind

enquiries and good wishes have been expressed for you by friends here, you would be proud and happy.

I am much gratified to that you and my dear son William are again friends. I trust the reconciliation will be sincere and enduring. [Note.—It proved to be such and this reference is made to their relations in the memoir of Col. Wm. M. Peyton, "after the loss of his (Wm. M. Peyton's) mother, and Mr. Peyton's second marriage to her cousin, Ann Montgomery Lewis, * * William extended to her not only deference and respect, but a truly filial affection, Mrs. A. M. Peyton, was therefore soon warmly attached to him and taught her children to love him before they learned to do so for his own noble qualities, for his native endowments and the extent of his accomplishments, as they were developed to the family in after years."] Our good brother, James Woodville, is now with me and we often talk of you. He is a most kind, sympathetic and affectionate friend. Dr. Lewis has at last, set out for Point Coupee. Massie and his wife are recovering. Your mother expected to leave on a visit to you on yesterday. Whether she has actually gone, I do not know. I hope she has. If not I shall return by the Sweet Springs and endeavor to induce her to go back with me. Whether she comes or not, be of good cheer. I shall be with you and will see that every comfort is provided that love and foresight can suggest. Woodville says your mother will certainly go down, and I trust she may, as it would be a comfort to you and a pleasure to us all. Your father looks quite well, is hale and hearty, and Mrs. Woodville, who is at the Springs, much better. James sends his love to you and William.

I am your affectionate husband,

JOHN H. PEYTON.

P. S.—Mrs. Woodville was very anxious to have accom-

panied your mother to Staunton, but James* bids me tell you he could not spare his wife so long.

LEWIS LITTLEPAGE.

*Note.—The James here mentioned was James Littlepage Woodville, who married Mrs. Peyton's eldest sister, Mary Lewis.—Mr. Woodville resided at Fincastle and Buchanan, and was a prominent lawyer and president of the Bank of Buchanan. His father was Rev. John Woodville, Rector of St. Mark's Parish, Culpeper Co., and a native of North Britain. He was a nephew of the celebrated, but eccentric Lewis Littlepage, whose career was brilliant and unequaled. Littlepage was born in Virginia in 1762, and died at Fredericksburg in 1802. At the age of 17 he went to Europe, and in 1779-80 accompanied Mr. Jay, American Envoy, to the Court of Spain, Madrid. Though only a youth, his figure was fine and manly—his dark eyes bright and penetrating. Among his acquaintances he was regarded as a prodigy of genius and acquirements.—Shortly after reaching Madrid, Littlepage separated from Mr. Jay's family, and joined as a volunteer aid, the duke of Cuillon, and was with the army at the seige of Minorca. At the seige of Gibralter he was on a floating battery and blown up, but being uninjured was rescued from the sea and distinguished himself during the further operations against that fortress. On the return of the fleet to Cadiz, he was sent with despatches to Madrid, where the Court received and treated him with much distinction. He then proceeded to Paris, and was on terms of friendship with Dr. Franklin, who was then living at Passy.—At Paris and Versailles this adventurous-young Virginian moved in the best society and at-

tracted marked attention from all. After a brief visit to London, he returned to the Continent and made a tour of Europe, establishing himself at Warsaw, where he was so popular that he rose to be in effect, the King's Prime Minister. He resisted and defeated the plans of Zamoyski before the Diet. He afterwards went to St. Petersgurg as Ambassador from Poland, and acquitted himself with distinguish ability and became a favorite of the Empress Catherine. The following letter of Lewis Littlepage to Lewis Holiday takes up the history of his life where our account ends and completes the story of his eventful career in Europe.

LETTER FROM JOHN H. PEYTON TO MRS. PEYTON.

Warm Springs, Sept. 2nd, 1822.

My Dear Ann:

I dined at the Hot Springs and arrived here last evening without accident or adventure and without increasing the inflammation of my wounded leg. Note—While opening the front gate at Capt. Massie's, in the Valley of the Falling Spring, Alleghany county, his riding-horse, a sprited but badly trained animal, sprang foward, dashing him against the gate-post, and the iron prog of the latch was driven through the calf of his leg, inflicting a painful and dangerous wound. The wound was so serious indeed that he was confined to the house for several weeks and owed his recovery mainly, as was thought, to the kind attenins of Mrs. Massie and her family.] Old Brinkly, who is here, and something of a leech, and a kind and excellent fellow, examined and dressed the wound last evening. He approves of all that was done by Mrs. Massie, and insisted that I should take the warm bath this morning and let the "*leg there soak for thirty minutes.*" I fol-

lewed his advice in the absence of a more scientific authority, and have just returned from the bath feeling all the better for having taking it. I thought the burnt alum which sister Susan put on the wound healed it too rapidly, and the effect of the bath has confrmed me in this impression. Immediately after leaving the bath, the blood spurted in a lively stream from the wound, which Brinkly soon stopped. He was not cast down at this incident, but said it was a good sign, that it was a discharge of bruised blood, and applied lint and Basilican plaster, and I now feel quite easy and comfortable. Brinkly is not a quack; on the contrary, he possesses some skill, and is anxious to be of service, not only to me, but to all suffering humanity.

There are a number of visitors still here, among them Norborne Nicholas, Judge Roane, Dr. Adams, Mrs. Harvie and Malinda Bowyer. They meet daily, Dr. Brokenborough included in the party, in my apartments, and we enjoy the re-union no little. All are exceedingly kind, they even oppress me with their friendly attentions. Having accepted the guidance of old Brinkley, I shall adhere to him as long as I improve. It may not be the best course, but it would be difficult to ascertain the wisest policy among such a multitude of counsellors, each one with an infallible remedy, and all advising a different course of treatment. But it is interesting to hear these good people discuss their theories. They are a remarkably cultured coterie to have remained behind the annual exodus, and all full of kindness of feeling. This I take to be culture, or the powers we acquire of sympathizing with others, of feeling the conditions under which they act and of regarding them and their interest rather than our own wishes and gratifications. Roane, who will stop with us three days, on his return from Richmond, and whom you have not met,

though I have known him for 20 years, is a man of superior abilities, and with considerable literary attainments, is accurate in legal learning and one of our best lawyers and judges. He is a good, but not what is styled a "brilliant talker," ready in his wit and pat in illustration. He amuses the mind by his happy conceits which, like a good conscience, act as medicine for both mind and body. I regret to say that his health is bad. [Judge Roane died Sept. 4th, 1822.]

Girard Stuart has just arrived from the Sweet Springs and says 160 visitors are yet there, and about 60 at the White Sulphur. I hope to see you and little Susan, Captain and Mrs. Massie, on Friday. Present me affectionately to Capt. M., Susan and the family.

Your affectionate husband,

JOHN H. PEYTON.

SPEECH OF JOHN H. PEYTON 72 YEARS AGO.

The following interesting extract from the records of the Superior Court of law and chancery for Bath county, 1822, will no doubt be read with keen zest at the present time:—

EXTRACT FROM THE RECORDS.

"At a Superior Court of law holden for Bath county at the court-house on the 5th day of September, 1822.

John H. Peyton addressed the court to the following effect:—

"The melancholy task devolves upon me [Mr. Peyton was Attorney for the Commonwealth in the county and circuit] of announcing to the court the death of Hon. Spencer Roane, one of the Judges of the Supreme court of Appeals of

Va. He departed this life on last evening at this place where he came a few weeks since for the recovery of his health.

In him the country has lost one of her most useful and distinguished citizens, liberty one of her most enlightened, firm and determined advocates, and the judiciary, one of its brightest ornaments.

As a small tribute of respect to the memory of the deceased, rendered peculiarly appropriate as it emanates from a department to which he was both personally and professionally attached, and from a court over which presides one who has long been his political associate and personal friend, I offer for adoption the following:

Resolved, That the court do forthwith adjourn and that the Judge, the Bar and the other officials of the court attend the funeral of the deceased.

The court and the Bar assenting to the resolution immediately adjourned."—*Spectator*, 1894.

SAME TO SAME.

Isleham, Jackson's River, March 7th, 1823.

My Dear Ann:

I arrived here on Thursday about 12 o'clock, after a very disagreeable and fatiguing journey. The day I left home, I had good roads and fair weather, and I reached Roadcap's on the great Calf Pasture River, near the Panther's Gap, where I lodged. The next day I traveled in the rain from morning till night, and over wretched roads, often a half leg deep in mire. My horse was so wearied and exhausted I could get no further than the Hot Springs, twenty miles. The next day I rode through sleet and rain, mire and mud to Capt. Massie's, where I stopped until the weather improved. I

then took your brother Benjamin with me to this point, where we have since been enjoying fine weather—the sky is now serene and the air mild.

The day I left Staunton Mrs. Massie set out for Fincastle on a visit to her sister, Mary, (Mrs. Woodville), who is, I am sorry to say, in declining health. She will make an effort to fetch Mary to her home, thinking the air and water of the Valley cannot fail to be of service to her. Capt. Massie and the children, your father and mother, and, indeed, all the family are in their usual good health and spirits.

A thaw has set in, the ice is breaking up, and the water courses rising. Vegetation is a fortnight later than last year at this time. The maple sugar season, which usually occurs in February, is just now beginnig. Nelly is very busy over her pots and pans, but has only made thirty-three pounds. This she sends you to-day by Ben, who also carries, among other things, the cloth for a suit of clothes sister Massie presented me—the cloth is of her own manufacture and of fine and durable texture. Have this suit made up for me immediately and have the pantaloons cut by my wedding small clothes—they fit better than any of my others. If you are too busy to give this matter your attention ask Miss Tapp to attend to it. William will purchase the trimmings from Mr. Cowan. [Note—Joseph Cowan then the leading dry goods, merchant in Staunton.]

I have decided to send your carriage horses by Ben and to run the risque of making my journey through Pendleton on the mare I bought of Capt. Massie. She is rough, much marked with harness, but is young, active and though spirited, gentle. I prefer such a riding horse, unsightly though she be, to the slow, lifeless movements of Kelly, who is at the best a shuffling nag.

I am adding to the furniture and comforts of our house here—have directed Mrs. Walton to make you some handsome counterpanes and some linen sheets, table cloths and towels from the flax grown on the farm. I have also bought a supply of feather beds and pillows, and purchased a mirror and dinner service of Liverpool ware, the latter for use on great days and holidays when you favor the place with your presence.

The servants have put up 5,900 pounds of pork and large supplies of lard. There is every prospect that we shall have plenty of fruit and vegetables, so that you will want none of the creature comforts when on your visit in August. The ice-house has not been commenced, and I fear will not be finished this season. Walton's delays are vexatious—I suspect he has an object in them—he fears to make this place too comfortable lest you may prefer it to Staunton, in which case his services might, and would be dispensed with. If I should be forced by his repeated neglect of my orders to decline his services for the future, he will have fared as he hath wrought.

I hope to get a letter from you at the Warm Springs—do not expect another from me before my return. Ben unites with me in love to you, William and Susan.

I remain your affectionate husband,

JOHN H. PEYTON.

P. S.—Tell William the river could not be forded, or I should have sent for his minerals and other curiosities at Mc Clintic's. Ben will take him his Indian arrows and stone cannon ball, though there is no account of the *Indians ever having used big guns*. Nelly sends Susan some maple sugar.

MAJOR JOHN LEWIS.

Mrs. Peyton made a visit to her mother at the Sweet Springs' after the death of her father, Major John Lewis, which occurred at the Springs in 1823. Major Lewis ought to live in the memory of posterity, as he was in more ways than one a remarkable man, renowned among his comrades for courage, integrity, his high sense of honor and indomitable perseverance. Let us premise a word as to this heroic old man. He had long served in the Indian wars on the border and was present at the battle of Point Pleasant in 1774, an officer under command of his distinguished uncle, Gen. Andrew Lewis, commander-in-chief. During the arduous march from Fort Union through the wilderness and at the battle he infused his own spirit and energy into all about him, was already renowned for his precocious military talent at the opening of the Revolutionary war. About two years later he joined the Continental army as a Lieutenant, was engaged in nearly all the battles in the Northern Colonies, Monmouth, Saratoga, Trenton, etc., and spent the winter of 1777, at Valley Forge. Though a very young man he attracted and made the lasting friendship of Washington. He rose to the rank of Major, in which rank he served at the battle of Momouth. At the close of the war, to which he had devoted his energies, and just as he was in sight of the gloriours summit "where fame's proud temple shines afar," and his services would doubtless have been rewarded by high command, the strife ended by the recognition of American Indepndence. In 1783,

Major Lewis returned to his Virginia home, without having won that extended fame which was so liberally meted out to those in high commands. From 1783, to Wayne's victorious campaign against the Western Indians, in 1794, Major Lewis was much on the frontier, had many encounters with savages and border ruffians, had many hair-breadth escapes and won great applause for his personal strength and boldness. In his frays with these fierce borderers he displayed extraordinary physical strength as well as indomitable pluck. He was only five feet ten inches high, but was strongly and compactly built, and his muscular power was enormous. It was commonly said that he was the strongest man in Virginia. His shoulders were broad and his chest deep. His countenance was frank, open, manly and cheerful, but at periods of danger stern and severe. In nature he was kind and gentle, was a humane and benevolent man, neither showing ferocity nor indulging in cruelty. He died an Elder in the Presbyterian church, universally respected by all who knew him. During his career he made the acquaintance of Gen. Jackson, afterwards seventh President of the United States, who entertained and expressed the highest opinion of his military genius and of his pure and upright character. In 1830, when South Carolina threatened nullification, General Jackson declared to a Virginian gentleman then in Washington, "That if he had a man like John Lewis to second him, he could go to South Carolina, hang Calhoun and end nullification within a month and forever." In 1830, the United States government made a large grant of lands to his heirs as a further recompense for his military services. It was during Mrs. Peyton's visit to her home in the Sweet Springs Valley, after her father's death, that the following letter was written:—

JOHN H. PEYTON TO MRS. PEYTON:

Staunton, June 24th, 1823.

I duly received the letter of my dear wife on the 15th, giving me the agreeable intelligence that she and Susan had improved in health and were well. Let me say a word here on the subject of your and her health. Do not let her habits of life become too delicate. If you will both continue the practice of taking a cold bath every morning, you will soon regain your former healthy tone and Susan become stronger and teethe easily. Whenever you suffer with heat and need refreshment resort to the warm bath, not oftener, however, than once a day. Do not allow the nurse to carry Susan in her arms as much as heretofore; let her place the child on the floor to there exercise by getting on her own way—'We must crawl before we can walk.' Nothing can supply the want of exercise, it gives the child confidence and the conversation of the nurse and the pointing out of objects pleases its fancy and arouses its faculties. Children that are too much nursed and codled are apt to be weak and delicate, and are sometimes even deformed by the carelessness of nurses in keeping them too long in improper positions. We cannot be too particular with this lovely child in whom we so much delight. The Masonic procession occurs to-day; it is in honor of John the Baptist. Dr. Stephens delivers the address [Rev. Dr. Stephens, Rector of Trinity Church, Staunton,] and the dinner is given at Mrs. Chamber's tavern. I can only participate in the dinner, as there is a trial of a negro for a rape committed on a white married woman, which will occupy my attention throughout the day. Now that he is within the toils of justice, I shall see that he does not struggle out and make his escape. Such brutal deeds must meet their just punishment.

Your friend Mrs. Baldwin is much engaged entertaining

her brother and his family, who are on a visit from Winchester. Such spare time as I have is spent with Johnson and his family, where I am almost domiciled, [Chapman Johnson the distinguished lawyer.] Johnson's health is much improved and his spirits are better. He no longer suffers with depression. He makes many friendly enquiries after you and his god-daughter, Susan Madison. He goes to the Sweet this summer with his family and sister-in-law, Agnes Nicholson.

I have directed the servants to make you a supply of currant jelly and walnut pickles. Sinah has also salted down, for winter use, a quantity of excellent butter. Is there anything else you would like to have done? If so, speak—you will not have to speak twice.

On Thursday I commenced my harvest. The wheat is much better than last year, and than I supposed it would be. The recent rains have improved the oats and corn, and there is promise of an abundant yield. Our hearts should be filled with thankfulness for the countless blessings God showers upon us. Why are we not stimulated to more and greater acts of beneficence.

My health has improved since I last wrote—my cold is gone, my appetite good and my spirits buoyant. I do not think I will ever lay aside my flannel again, certainly not before May is out. Dr. Boys and Gen. Brown both told me recently that they never removed theirs without taking cold, and for several years they have worn it all the year round.

I received a letter from Capt. Massie a few days since, from which I am happy to learn that he is recovering. I hope to meet Woodville soon, on his way to see his friends in Culpepper. I hear that Aunt McDowell is at Smithfield with your grandmother Preston, whose health is much impaired. James M. Preston writes urging me to make them a visit and

to fetch you and Susan along. Ballard is a stirring and promising lad. [afterward Wm. Ballard Preston, Secretary of the Navy in President Taylor's Cabinet.]

My engagements will not admit of my writing more.—Remember me affectionately to your mother, to Sister Woodville, to Sarah, Lynn, and all the children. Kiss Sue for me, and for yourself accept my best wishes for your health and happiness. Write as often as possible.

Your affectionate husband,

JOHN H. PEYTON.

Note.—Ben was by birth an African chief, and became Mr. Peyton's favorite man-servant. Captured on the African coast in 1807, he was brought to Virginia with a cargo of negroes and sold. At the auction Mr. P., who happened to be on the Lower James river at the time, became his purchaser. He was then about twelve years old, a strong, athletic boy, who grew to be 6 feet 2 inches high, and was as black as ink. He was named Ben Potter, probably after one of his captors. The interpreter gave an interesting account of Ben, and of the deference and respect paid him on the voyage by his fellow captives.—The young negro was so much impressed with the appearance and bearing of Mr. Peyton that he begged him through the interpreter, to become his purchaser. This he consented to do and Ben continued his faithful servant through life, till his (Mr. Peyton's) death in 1847. Ben was soon deeply attached to his master, was confided in, and trusted by Mr. Peyton and his family. On leaving home to go the round of the circuit, Mr. Peyton always placed his wife and children under Ben's protection and never had cause to regret it. He was sober, industrious and honest—every way worthy

of the trust reposed in him. Thirty odd years later, when Mr. Peyton was prostrated by paralysis in 1845, his attached servant and friend was ploughing in a field near the Montgomery Hall Mansion. Hearing cries of alarm from the family, he abandoned his team and ran to the house, and elbowing himself into his master's room assisted in ministering to him till the arrival of the family physician.

From that hour to Mr. Peyton's death in 1847, he slept in his room, helped to watch over him, administered his medicine, drove him in his phæton, when his health admitted of it, and looked after his comfort in every way, and was never over thirty minutes out of his presence till Mr. P. died, when he seemed broken-hearted. Mr. Peyton's executor offered Ben his freedom and a life annuity, which he declined—he preferred to remain with his old Master's children, and did so until his death, which occurred about 1855, the aged, trusted Servant sinking into the grave a sincere Christian, loved and respected by all who knew him, and with the confident hope that he would meet his old Master and friend among the Saints above. Among those whose admiration for the character of this faithful servant led them often to speak of him with pleasure, was the late Col. John B. Baldwin, who never, while he lived, allowed Ben, and the history of his good and faithful services, which for several years came under his observation, to go unmentioned—or unrewarded.

JOHN H. PEYTON TO MRS. PEYTON.

Warm Springs, Sept. 1st., 1823.

My Beloved Ann:

On the day we parted the Judge (Archibald Stuart) and

myself arrived without adventure at General Blackburn's. *

On the next day at Colonel Cameron's and on Tuesday at two o'clock arrived at Huntersville, the seat of Justice of Pocahuntas county—a place as much out of the world as Crim Tartary. Owing to the bad conditions of the roads we were much fatigued and bore many marks of travel-stain. The so-called town of Huntersville consists of two illy-constructed time-worn, (though it is not time which has worn them,) weather-beaten cabins built of logs and covered with clapboards. My negro cabins on Jackson's river are palaces in comparison with them.

One of these wretched hovels is the residence of John Bradshaw, the other is called the Loom-house for these people are self-sustaining. They spin and weave. The big wheel and the little wheel are birring in every hut and throwing off the woolen and linen yarn to be worked up for family purposes. The home-spun cloth, too, is stronger and more durable than that brought by our merchants from Northern manufacturers.

In Bradshaw's dwelling there is a large fire-place, which occupies one entire side, the gable end. The chimney is enormous and so short that the room is filled with light which enters this way. It is an ingenious contrivance for letting all the warmth escape through the chimney, whilst most of the smoke is driven back into the chamber. In the chimney-corner I prepared my legal papers before a roaring fire, surrounded by rough mountaineers, who were drinking whiskey and as night advanced, growing riotous. In the back part of the room two beds were curtained off with horse-blankets—one for the Judge, the other for myself. To the left of the fire-place stood old Bradshaw's couch. In the loft, to which they ascended, by means of a ladder, his daughter and the

hired woman slept, and at times of a crowd, a wayfarer. The other guests were sent to sleep in the Loom-house, in which was suspended in the loom, a half-woven piece of cloth. Three beds were disposed about the room, which completed its appointments—one was allotted to Sampson Mathews, a second to John Baxter, the third to George Mays, and John Brown.* The loom was used as a hat-rack at night and for sitting on, in the absence of chairs, in the day. As there was not a chair or stool beyond those used by the weaving women, my clients *roosted* on the loom while detailing their troubles and receiving advice.

Bradshaw's table is well supplied. There is profusion, if not prodigality in the rich, lavish bounty of the goodly tavern. We had no venison, as this is a shy season with the deer, but excellent mutton with plenty of apple sauce, peach pie, and roasting ears. As a mark of deference and respect to the Court, I presume, we had a table-cloth—they are not often seen on Western tables and when they are, are not innocent of color—and clean sheets upon our beds. This matter of the sheets is no small affair in out of the way places, as it not unfrequently happens that wanderers communicate disease through the bedclothing. Old Bradshaw's family is scupulously clean, which is somewhat remarkable in a region where cleanliness is for the most part on the outside. A false modesty seems to prevent those salutary ablutions which are so necessary to health, and I did not commend myself to the good graces of the hired woman by insisting on my foot-bath every morning.

We remained five days at Huntersville closely engaged in the business of the Court, which I found profitable. Roca-hontas is a fine grazing county, and the support of the people is mainly derived from their flocks of cattle, horses and sheep,

which they drive over the mountains to market. There is little money among them except after these excursions, but they have little need of it--every want is supplied by the happy country they possess, and of which they are as fond as the Swiss of their mountains. It is a pretty country, a country of diversified and beautiful scenery in which there is a wealth of verdure and variety which keeps the attention alive and the outward eye delighted.

On Saturday the Judge and I visited Sandy Lockridge, where we were very hospitably entertained. His house is every way a respectable dwelling, with plenty of room and much good furniture. On Saturday we returned to Col. Cameron's and this evening arrived here in sound health and excellent spirits, notwithstanding our rough experiences. I was much disappointed not to find a letter awaiting me from my dear wife. Ben Crawford has, however, relieved my anxiety, by telling me that he saw you on Saturday sitting at the front window of your dining-room writing, and thought he heard the prattle of Susan in the room. I imagine you were writing to me and hope to-morrow's mail will fetch the coveted letter.

Your father's will has been recorded in Alleghany county and your brother William has qualified as sole executor—the sale is to take place day after to-morrow, but nothing will be sold but the live stock. I have seen none of our relations or connections since I left home—have learned these facts from others.

Accept the best wishes of your husband for yourself and our dear little girl, and believe me,

Yours affectionately,

JOHN H. PEYTON.

LETTER FROM JOHN H. PEYTON TO HIS WIFE.

In 1826, John H. Peyton obtained an appointment as cadet at West Point for his brother-in-law, John B. Lewis, of the Sweet Springs. As young Lewis was inexperienced, had never traveled beyond the limits of Virginia, Mr. Peyton determined to accompany him to the United States Military Academy, though the journey at that day was long and tedious and his professional engagements made his absence at any time a matter of great inconvenience to himself and clients.

The following letter to Mrs. Peyton will be read at this day with interest and something like astonishment, so great has been our progress and development within the past sixty-five years—such changes would hardly have occurred in European countries in centuries. At that day the old-fashioned stage-coach was still in use, there were few macadamized roads and no railways. The entire journey, therefore, from Staunton in Virginia, to West Point, was made in what were called "hacks,"—most of them rickety and unsafe, and in steamboats no better, and not so safe as the Tug and Ferry boats of the present and as unlike as possible the floating palaces of our day. It must be remembered that railroads were not opened in the United States until 1830, and travel was somewhat in the unsatisfactory state described by Mr. Pickwick.

"Travel," said Mr. Pickwick, "is in a troubled state, and the minds of coachmen are unsettled. Stage-coaches are upsetting in all directions, horses are bolting, boats are overturning and boilers are bursting." Such was true in no Pickwickian sense in our country in 1826, and the perils of traveling were increased by the use of high pressure engines

on the boats, and unskillful drivers and bad horses in the coaches. There was not much improvement in things in Virginia since A. D. 1665, when Colonel Valentine Peyton, of Nominy, in the county of Westmoreland, Virginia, thus remarks in his last will and testament [See April number, 1881, of the New England Historical and Genealogical Register] before leaving home, "*being about to take a voyage to Jamestown and knowing the life of a man to be uncertain. I doe make this my last will and testament.*" If a man were indifferent to such dangers, there was little pleasure to be derived from traveling. The taverns were miserable, and the rural districts almost destitute of the comforts of civilized life. Excitement there might have been in journeying then, but none of the pleasant exhilaration which attends a jaunt in a Pullman now-a-days. Mr. Peyton makes no complaints, though it is obvious from his description of a half-hour's "nap" on the Baltimore boat, that he had not stumbled upon a bed of roses.

JOHN H. PEYTON TO HIS WIFE.

New York, June 18th, 1826.

My Dear Ann:

On the 15th at 5 o'clock we left Baltimore on the steam-boat for Philadelphia. The view of the city, Fort McHenry, the light-house on North Point, and of the Chesapeake Bay, with its numerous vessels spreading their canvas to the winds just as the sun was sinking below the horizon, was animating and enlivening, majestic and sublime. From the prow of the vessel, I contemplated this interesting scene as long as the light enabled me to enjoy its beauties. Soon after dusk a pealing bell summoned us to the supper table, where we were

surprised to find a sumptuous repast spread out. We had not anticipated such variety or delicacy of food. After partaking of the good cheer, we drew lots for our berths. I was unlucky—my berth was so warm, not to say hot and stuffy, that before I could get any sleep our arrival at French town was announced. Turning out at 12 o'clock at night, but with no regrets, we shortly after continued our journey, and at 3 o'clock in the morning, found ourselves at New Castle. Here we re-shipped in a steamboat without berths. This I did not regret after my recent experience of them, and Benjamin and myself essayed to secure a half-hour's sleep stretched upon two pine benches. How long we might have courted sleep on these hard and narrow couches, I know not. We were not left to make the experiment any length of time, but were shortly roused up by the bustle among the seamen and passengers preparatory to landing at Philadelphia. The breakfast table, when we entered the so-called saloon, was smoking with coffee and steak, and about the time we had paid our respects to both, the boat was at Chestnut street wharf. Landing here we proceeded immediately to Campbell's, and it was a glad surprise to find him astir, thanks to the business habits of the city of brotherly love.

Under his guidance, after another cup of coffee and a hot roll, we proceeded to attend to the numerous commissions with which we were charged. This occupied us something over four hours, when we bade our friends adieu and went aboard the New York steamer. About 6 o'clock p. m. we reached Princeton, where I spent four of the happiest years of my youth, and which I had not seen since taking my degree in 1797. The stages were running, with such rapidity, however, that it was impossible to call, as I wished, upon my old friends, Dr. Alexander and Prof. Comfort, or deliver the

letter for Miss Waddell, but I chanced to meet a young gentleman of my acquaintance from Washington, who stopped at Princeton, by whom I sent it to her.

I shall make it a point to stay over a day at Princeton on my return. In due time we arrived here. Benjamin is perfectly well, does not regard either the fatigues or loss of sleep, but I am worse for the wear and tear. And I would not advise those to take the trip whose only business is pleasure.

On yesterday I dined with Mr. Gallager, where I met Mr. Reid, who, you may remember, preached some time since at the Presbytery in Staunton. He is to preach in New York to-day, and I hope to hear him. He is highly esteemed here as a preacher and man. In the evening I took tea with Mrs. Murray, mother of my brother Rowze's wife, where all the family were collected round me making enquiries after their relatives and friends in Virginia. For the most part I was unable to gratify their curiosity, having recently neither seen nor heard of the kith and kin in Richmond or the Northern Neck.

At 10 o'clock to-morrow I shall set out for West Point with Gen. Huston, of Tennessee, to whom I was introduced on yesterday by Gen. Scott. [Gen. Winfield Scott.] I requested Miss Heiskell of Philadelphia, to execute Jane and Lynn's commissions, which she promised to do against my return.

Give my love to all the family,
Yours affectionately, though in much haste,

JOHN H. PEYTON.

ANECDOCE OF JOHN H. PEYTON IN A CRIMINAL CASE.

Shortly after his eldest son, William, entered upon the practice of law in 1823, when attending court at the Warm Springs, Bath Co., he mortified his father, John Howe Peyton, exceedingly by a piece of off-hand levity, which the latter regarded as a most undignified proceeding, unworthy of the profession. Young Wm. Peyton was employed to defend a man charged with horse stealing, and as there was only circumstantial evidence to prove his guilt, W. M. Peyton, who was much exhilarated, for it must be remembered that the case came on after dinner, set up the defence that according to the principles of science, and of a new science likely to prove both useful and ornamental, it was impossible his client could be guilty. He then referred to and explained the theories of Gall and Spurzheim, and declared that according to the phrenological bumps on the head of his client, theft was a crime he was incapable of committing. He argued with much gravity and ingenuity in this direction, amidst the suppressed giggling of the bar, to the great chagrin of his father, who was the public prosecutor, and to the thorough mistification of the county court. This body was composed of country gentlemen unacquainted with law, and it was one of their boasts that they made up their decisions, not so much in accordance with the principles of common law, as of common sense. W. M. Peyton went on, and drawing from his desk a copy of Combe's phrenology, illustrated it with plates, exhibited it to the jury, and declared that at the point on the

pericranium of his client, where there should be a protuberance if he were capable of robbery, there was not the slightest development, and asked, what is the value of science, if we discard its teachings? He then made an animated and eloquent appeal to the feelings of the jury, based upon the humane principle of the common law, that it is better that ninety-nine guilty men should escape than that one innocent person should suffer, and declaring his conviction of the prisoner's innocence, asked them to give him the benefit of every doubt and lean to the side of mercy.

His father, in reply, commented severely upon the airiness of his son, as inconsistent with the administration of justice and the dignity of the profession. He ridiculed Gall and Spurzheim's far-fetched theories, which he declared were not scientific deductions, but only speculative opinions, and brought the whole defence into contempt, by referring to the human skeleton, saying, "If you run your eye down the spine it alights upon the *oscoccygis*." Neither the court nor the jury understanding what these words meant, but overcome by the ludicrous manner of Mr. Peyton, both burst into a hearty laugh. "Now," he continued, "this oscoccygis is nothing more nor less than a rudimentary tail, as Lord Monbeddo has well said, and I suppose we shall have some modern philosopher startling the world again with the proposition that man once flourished a tail, but of which the civilized use of a chair has, in process of time, deprived him." He continued, somewhat in this style, "I say nothing against philosophers nor tails, both are useful in their way. What would a cow do without her tail, especially on our fly-pestered prairies, or the Pampas of South America? What would a monkey do without this caudal appendage and its prehensile quality? With him it takes the place of hands. And shall we have

philosophers telling us we received our hands when we lost our tails, and that the monkey lost the use of his hands because of his peculiar facility of using a tail? A beautiful science," said he, "is the phrenology, according to the theory of the learned counsel for the prisoner. To all standing in the unenviable position of his client, it will prove, if the learned gentleman be correct, not only a thing of beauty, but a source of comfort and a joy forever. To the murderer, the burglar, the highwayman, to all in fact, who wish to be rid of the responsibility which attaches to their actions, it will become a positive blessing. Not to these only, but to the entire community—it opens a brilliant prospect of life, of life as it should be in this enlightened age, at this advanced period in the progress of the world. Upon the ruins of our present immature civilization it will uprear a charming state of society. Under the vivifying influence of this new system, mankind will be happy, perfectly happy; and until the auspicious day when the new order commences, this "consummation so devoutly to be wished," need not be anticipated. Throughout the world, at least so much of it as is illuminated by the light of phrenology, perfect liberty will obtain, and the present generation will wonder at the darkness in which their ancestors groped. Justice will reign supreme, and our statute books will be no longer disgraced by those dreadful laws founded in ignorance, superstition and cruelty, which consigns a helpless and irresponsible man, criminal you call him, to the merciless hands of the executioner. It will be clear as the noon-day sun, that law and liberty cannot co-exist, that they are natural enemies. Along with this knowledge will come a resolution to demolish the whole system of our jurisprudence, to cart off the rubbish and substitute in the place thereof a new, nobler, and higher

civilization. Poor weak man will no longer be held accountable for his actions. The infirmities of his nature will become a recognized principle, that men are but men, will be evident to all men. It will be understood that from the foundation of the world it was determined, pre-destined, and fore-ordained that he should act thus and thus, and that, therefore, he cannot be justly rewarded for any action however meritorious, nor punished for any crime, as we term it, how atrocious soever. Men will stand aghast that laws should have existed, and for so many ages, for afflicting a human being for actions, over which it is clear, according to the prisoner's counsel, he had no control—actions, in fact, which they were bound to perform, by an irresistible law of human nature. Then will it be seen that men commit murder, perpetrate rape, and apply the torch because they cannot help it. Gentlemen of the jury; no line of argument would be shorter—I leave you to determine its soundness."

"But to be serious," said Mr. Peyton, who though cheerful in his disposition, had a manner so tempered with gravity as to check the indecent levity, "I must refer, before closing, to the conduct of the prisoner's counsel, and remark that some speakers are more anxious to display their eloquence, than to promote the public good. Now when this is the case, as I must charitably suppose it to be on this occasion, oratory is a useless gift, and such fine speeches as we have had to-day are simply disgusting. When great talents are employed to support a bad cause, perhaps from selfish motives, (I trust and believe that this is not the case now,) they are objects of universal contempt. Oratory, with all its pleasing charms becomes an instrument of mischief, when used by an unprincipled man, as, when resorted to by a good man, its happy influences almost exceed belief. An orator, who thus uses his

talents, without reference to his personal interests, if he do not succeed in his efforts, at least enjoys self approbation and that of his God."

In this manner Mr. Peyton threw the defence into ridicule and disrepute. This sound sense and keen sarcasm was too much for Wm. Peyton's after dinner eloquence, and from a brief consultation, the jury returned and delivered a verdict condemning the prisoner to the penitentiary for two years.

The Hon. David Fultz, of Staunton, recently judge of the circuit superior court of Augusta county, who was present on this occasion, told the writer twenty years ago that he had never, during his career at the bar, been so much interested or amused by any trial as this. The disgust of my father at such a defence being set up, the elation of his son at the probable success of his ruse, the bewilderment of the court and jury, both of whom seemed lost in a fog, the suppressed merriment of the audience, which did not comprehend exactly all that was transpiring; but which to some extent entered into the fun, rendered the whole scene inimitable.

MR. PEYTON'S VIEWS AS TO A FIDDLING LAWYER.

"Music," said Mr. P., "is out of place in a court house. I never knew a fidddling lawyer to succeed, especially if nature designed him to play that useful, yet much despised instrument, the "second fiddle,"—a good enough instrument for a duet, but one on which no succesful *solo* was ever played."

MR. PEYTON ON RELIGIOUS AND POLITICAL TOPICS.

In 1840, Mr. P. and his brother-in-law, Colonel Wm. L.

Lewis, met at the home of a mutual friend. In religion Col. L. was a Roman Catholic and in politics a disciple of John C. Calhoun. Discussion arose between them and became so warm on the part of Col. Lewis, that their friends feared they might result in a feud. Not so, however. Mr. P.'s moderation was equal to his vigor, and he soothed his brother's discomfitures by his logical reasoning.

"There is no necessity, William," he would say, "for difference of opinion creating hostility. It must be admitted by all that there is great variety in the tastes, habits and opinions of mankind, and it is necessary that it should be so. That partial discord tends to general harmony is more than poetically true, for, if all men were to set their minds upon living in the same climate, or under the same government; or, if all the people of a country had an unconquerable desire to live in the same town; if all the inhabitants of a town were to have a good opinion of only one physician, or of only one preacher, or lawyer or mechanic, or could only relish one article of food, or fancy only the same dress; or, if all men were to fall in love with the same woman, or all the women with the same man, what would be the consequence? Why from a feeling of seeming agreement, universal discord would result.

Even the value of truth is best appreciated by the opposition it meets with, and falsehood and error are detected by the discriminating powers of opposite sensations and feelings. That there should not be uniformity upon many important subjects, such as the theory of government, etc., must be the stamp of heaven. For myself, I claim freedom of opinion as an inherent right, provided it does not disturb the established order of society. I fear your nullification views go this length. However, let me proceed: No man has a right

to be offended at my opinion, or hold me in contempt for entertaining it, for it does him no injury; and what I claim for myself, common justice requires that I should allow to others; and did we well consider, that this disparity of an overruling Intelligence, we surely should not suffer it to be the cause of feelings of animosity to our fellow human beings, though their political or religious opinions should be the opposite of our own—still less such old friends as ourselves. For, continued Mr. Peyton, unless we had been subjected to the same involuntary impressions and sensations that other persons have been, which is, perhaps, impossible, we can be no judges of the merits of their opinions, or how they have outraged truth and reason, even admitting that they are in error. If it should be contended that truth and reason are immutable, and when two differ upon a fundamental truth, there must be deviation from reason and truth in one of the parties. I would admit it to be so, if the question was susceptible of mathematical demonstration.

This is rarely the case—were I to meet a man who should contend that two and two do not make four, or that the amount of degrees in three angles of a triangle are not equal to the amount of degrees in two right angles, I must justly charge him with folly or wilful falsehood; but, in whatever does not admit of demonstration, our convictions are our feelings; and our feelings depend more upon involuntary impressions than we are often willing to allow. Certainly truth and reason are the most likely to prevail with cultivated minds, for truth and reason are the most likely to make the right impression, but we are too apt to over-value our own kind of knowledge, while we underrate that of others.

In point of real utility, the knowledge of the man who is skilled in the breeding and feeding of cattle is more valua-

ble to society than is the knowledge of him who is skilled in mathematics, yet the latter will look down upon the former, when, perhaps, the only advantage he has over him is the being able to convey his knowledge in more correct and perspicuous language; and unless we possessed all kind of knowledge in an equal degree, we are liable to be imposed upon in some things, either by thinking too much upon them, or too much, to the exclusion of other branches of knowledge, the possession of which, though seemingly foreign to the subject, may be necessary to its clear elucidation; for it is by possession of general knowledge only that we can claim a superior title to correctness in every particular. A may be able to solve a difficult problem in mathematics; B can not do this, but B can make a plow upon true mechanical principles which A can not; if C can do both, C must be superior to A or B; but all mankind are in the situation of A or B, as possessing only partial knowledge. We should all, therefore, be indulgent to each others deficiencies. Still, my superior in general knowledge and learning, may be the dupe of a weak prejudice, without justifying an impeachment of either. "I have a brother-in-law" he would look askant at Colonel Lewis when getting off this kind of fillip, "of whose cleverness and general knowledge I have a very high opinion, yet in politics we are quite opposite. We indeed worship different idols, and the only superiority I can pretend to claim over him is, that I can bear for him to adore his idol, even in my presence, and yet keep my temper—a compliment he can not always repay."

"Fudge!" exclaimed the Colonel, jumping to his feet and walking hastily to and fro across the room, "I may warm with the subject, but as to being offended with you it is out of the question. I never have and never will so far forget myself."

"Come, come, be seated," Mr. Peyton would rejoin, giving him a friendly tap on the shoulder. "Let me proceed. Of course you will not think I wish to depreciate the value of truth and reason, I only wish to urge that the seeming want of them in others may be deceptions, and should not be the cause of contempt, acrimony or ridicule. All are enamoured with even the shadow of truth, and should see the substance, if in their power, but placed in a variety of lights and shades, some can only see the shadow, and mistake it for the substance." Thus their fraternal discussions proceeded and terminated in the discomfiture of Col. Lewis, who though a clever man, an eloquent talker, full of confidence, and abundance of zeal, was no such logician as Mr. Peyton, and left not the slightest pain rankling in his bosom.

"Now, William," said Mr. Peyton, "I cannot flatter myself that I shall convince you of any errors, which, in my opinion, you have been guilty of in this respect. That is no reason, however, why I should not attempt to make you entertain a disbelief of all foolish impossibilities. For example, there is the fallacious science of astrology—it has been the game of a few designers in all ages, for sordid interest, to have duped others and been duped themselves. In ancient times they were, in Alexandria, compelled to pay a certain tax, which was called the 'Fool's Tax,' because it was raised on the gain that these impostors made from the foolish credulity of those who believed in their powers of soothsaying. Well may believers in this science be called 'fools,' when they do not seem to consider that if the principles of judiciary astrology were correct, and its rules certain, the hands of the Almighty would be tied, and ours would be tied also. All our actions, all our most secret thoughts, all our slightest movements; would be engraven in the heavens in ineffaceable char-

acters, and liberty of conduct would be entirely taken away from us. We should be necessitated to evil as to good, since we should do absolutely what was written in the conjectured register of the stars, otherwise there would be falsehood in the book, and uncertainty in the science of the astrologer. How we should laugh at a man who thought of settling a serious matter of business by a throw of the dice. Yet the decision of astrology is just as uncertain. Our fate depends upon places, persons, times, circumstances, our own will; not upon the fantastical conjunctions inspired by charlatans.

"Suppose two men are born on our planet, at the same hour and on the same spot. One becomes a hewer of wood and a drawer of water, and the other an emperor, or a commander-in-chief of an army. Ask an astrologer the cause of the difference. In all probability he will reply, 'It was so willed by Jupiter.'

Pray what is this Jupiter? Why it is a planet, a body without cognizance, that acts only by its influence. How comes it then that Jupiter's influence acts at the same moment and in the same climate in so different a manner? How can that influence differ in its power? How can it take place at all? How can it penetrate the vast extent of space? An atom—the most minute molecule of matter would stop it, or turn it from its course, or diminish its power. Are the stars always exercising an influence, or do they exercise it only on certain occasions? If they exercise an influence only periodically, when the particles which, it is intended, are detached from them, are moving to our sphere, the astrologer must know the precise time of their arrival in order to decide rightly upon their effect. If on the other hand, the influences are perpetual, with what wonderful speed they must rush through the vast extent of space! How marvelous too must

be the alliance they form with those vivacious passions which originate the principal actions of our lives! For if the stars regulate all our feelings and all our proceedings, their influence must work with the same rapidity as our wills, since it is by them our will is determined.

HIS RELIGIOUS BELIEF.

Mr. Peyton was a firm believer in the doctrines of christianity, and the experience of his life was that true happiness is only found in the observance of her precepts. He held that man must have some religion and the most perfect was that handed by Christ to his Apostles. He did not attach great importance to sects, and when asked whether he was a Catholic, Presbyterian or Episcopalian, answered that he did not find such words in the Testament—he was merely a christian; he believed in what was revealed to us in the Bible and submitted himself with humility to the Almighty power. He was brought up in the Episcopalian church and died a member of it.

MR. PEYTON'S ORIGINALITY AND POWER OF ILLUSTRATION.

"I recall a conversation," says one of Mr. P.'s biographers, "just after a protracted term of the Augusta Circuit Court, in which the late Judge Lucas P. Thompson and Gen. B. G. Baldwin bore the leading parts. Gen. B. was paying generous tribute to Mr. Peyton's force and originality. Judge Thompson remarked in substance, that he had never seen Mr. Peyton go through a cause deeply interesting and moving him, in which he did not utter some view or sentiment illuminated by genius, or at the least, some illustration

marked by a bold originality; and he instanced two causes, tried at the last term—one a civil suit and a very heavy will case, in which he made a novel and scorching application of a familiar fable of *Æsop*. I forbear to give its details, because both the critic and his subject have passed from earth.

"In the same cause three signatures were to be identified and proved—that of the testator and also of the attending witnesses—all three having died since their attestation. Many witnesses were called to prove the genuineness of the three names. Opposing counsel sought to badger the witnesses by urging them to specify what peculiar marks there were in the handwriting and signatures, whereby they could speak so positively as to their identity and genuineness. This of course for the most part they could not do, and in the argument of the cause before the jury the same counsel strove to throw discredit and contempt upon those witnesses (all men of good character) for their failure and inability so to describe the quality and peculiar marks in the caligraphy of the signers as to show they were familiar with their handwriting. In his reply to those sallies of his opponents, Mr. Peyton swept away the whole airy fabric by a single happy illustration:

"Gentlemen, he said, "You have often been assembled in crowds on some public or festive occasion. Your hats have been thrown pell-mell in a mass with perhaps a hundred other hats, all having a general resemblance. Suppose you had attempted to describe your hat to a friend or servant, so that he might go and pick it out for you. It has as many points for accurate description as a written signature—its color, height of crown, width of brim, its band, lining, &c. Do you think that friend or servant could by any possibility have picked out

your hat for you? And yet when you went yourself, the moment your eye would light upon it, you instantly recognize it amongst a hundred. Familiarity with it has stamped its picture on your mind and the moment you see it, the hat fills and fits the picture on your mind as perfectly as the same hat fits your head."

The jury were evidently won, and gave full credence to the ridiculed witnesses.

The other instance during the same term (cited by Judge Thompson) occurred in the celebrated prosecution of Naaman Roberts for forgery—in forging the name of Col. Adam Dickinson to a bond for six hundred dollars.

The body of the bond was confessedly the handwriting of the prisoner at the bar. That was admitted. The signature was a tolerably successful attempt at imitating the peculiar handwriting of Adam Dickinson. But no expert could look at the whole paper and fail to see a general resemblance between the body of the instrument and the signature, raising a strong conviction in the mind that both proceeded from the same hand.

The defense strongly insisted upon excluding the body of the instrument from the view of the witness, by covering it with paper, or turning it down, and so confining the view to the signature only—upon the familiar doctrine of the law of evidence forbidding a comparison of various hand-writings of the party, as a ground for an opinion upon the identity or genuineness of the disputed writing. And this point was ably and elaborately argued by the prisoner's counsel.

The learned prosecutor met it thus:

"Gentlemen this is one entire instrument, not two or more brought into comparison. Let me ask each one of you, when you meet your friend, or when you meet a

stranger, in seeking to identify him, what do you look at? Not his nose, though that is the most prominent feature of the human face; not at his mouth, his chin, his cheek; no, you look him straight in the eye, so aptly called the ‘window of the soul.’ You look him in the eye, but at the same time you see his whole face. Now put a mask on that face, leaving only the eyes visible, as the learned counsel would have you mask the face of this bond, leaving to your view only the fatal signature.

“If the human face so masked was the face of your bosom friend, could you for a moment identify him, even though permitted to look in at those ‘windows of the soul?’ No; he would be as strange to you as this accursed bond has ever been strange to that worthy gentleman, Colonel Adam Dickinson, but a glance at whose face traces the guilty authorship direct to the prisoner at the bar.”

This striking illustration seemed to thrill the whole audience as it virtually carried the jury.

MR. PEYTON DECLINES A JUDGESHIP.

In 1824-5, Mr. Peyton received a highly complimentary letter from the late Col. S. McD. Moore, of Lexington, then a delegate to the Legislature from Rockbridge and attending the sessions in Richmond. The Colonel informed him that a caucus of members had been held on the subject of a judgeship then vacant, or about to become so, and that Mr. Peyton's friends were so largely in the ascendancy that his nomination by the caucus and election by the Assembly was certain, if only he would declare his willingness to accept the